

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-10721
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 20, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

KENNY IROEGBU,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:13-CR-14-1

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Kenny Iroegbu, federal prisoner # 48132-177, pleaded guilty to one count of aiding or assisting in the preparation or presentation of a false or fraudulent individual income tax return. The district court sentenced him to 36 months of imprisonment and a one-year term of supervised release. It also ordered Iroegbu to pay \$323,046 in restitution. He appeals the denial of his 18 U.S.C. § 3582(c)(2) motion for a reduction of sentence.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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The district court determined on March 17, 2017, that Iroegbu's untimely filing of the notice of appeal was due to excusable neglect. However, according to the website of the Bureau of Prisons, Iroegbu was released from imprisonment on December 16, 2016. "Where a defendant has begun serving a term of supervised release, the appeal of the denial of his § 3582(c)(2) motion is moot." *United States v. Booker*, 645 F.3d 328, 328 (5th Cir. 2011). Accordingly, the appeal is DISMISSED AS MOOT. Iroegbu's motions to expedite his appeal are DENIED.